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FILED

AUG 30 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CASE NO. 19-mj-71284 MAG
14 Plaintiff,) [PROPOSED] DETENTION ORDER
15 v.)
16 ERNEST FOBBS,)
17 Defendant.)

18
19 On August 14, 2019, defendant Ernest Fobbs was charged by complaint with Felon in Possession
20 of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).

21 The parties appeared before the Court on August 21, 2019, for a detention hearing. The
22 defendant was present and represented by Assistant Federal Public Defender Sophia Whiting. The
23 government was represented by Assistant United States Attorney Sloan Heffron. The government
24 moved for detention, arguing that no condition or combination of conditions of release would reasonably
25 assure the appearance of the defendant as required or the safety of the community. The defendant
26 opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

27 In support of its motion for detention, the government proffered information about the nature and
28 circumstances of the offense. The government stated that the defendant was found in possession of a

1 loaded semiautomatic firearm that had been reported stolen, a separate loaded magazine, over thirty
2 rounds of loose ammunition, and various controlled substances. The government added that,
3 immediately before contacting the defendant, officers observed the defendant in the Tenderloin District
4 of San Francisco, in violation of an active stay away order issued in San Francisco Superior Court.

5 Regarding the history and characteristics of the defendant, the government proffered that the
6 defendant has three prior felony convictions, including a 2016 conviction for stalking and a 2018
7 conviction for possession for sale of a controlled substance. The government added that, at the time of
8 the instant offense, the defendant was active to two grants of felony probation out of San Francisco
9 County.

10 Additionally, the Court considered the information contained in the Pretrial Services report,
11 including that the defendant's San Francisco County probation officer advised that the defendant had not
12 reported to probation during the last year. The Court also considered Pretrial Services' recommendation
13 that the defendant be ordered detained pending trial due to the risk of nonappearance.

14 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
15 the record and as summarized in this Order, the Court finds by a preponderance of the evidence that no
16 condition or combination of conditions will reasonably assure the appearance of the defendant as
17 required. Additionally, the Court finds by clear and convincing evidence that no condition or
18 combination of conditions will reasonably assure the safety of any other person or the community.

19 These findings are made without prejudice to the defendant's right to seek review of his
20 detention should new information arise.

21 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

22 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
23 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
24 sentences or being held in custody pending appeal;

25 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
26 and

27 3. On order of a court of the United States or on request of an attorney for the government,
28 the person in charge of the corrections facility in which the defendant is confined shall deliver the

1 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
2 court proceeding.

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4 **IT IS SO ORDERED.**

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6 DATED:

7 *Aug 30, 2019*

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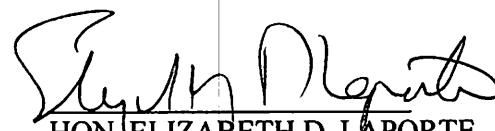
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HON. ELIZABETH D. LAPORTE
United States Magistrate Judge